

requested.

B. Claim Rejections - 35 U.S.C. § 102

Claims 6, 7, 8, and 9 (claims 1, 2, 6, and 11 of the parent application Ser. No. 07/990,854) were rejected under 35 U.S.C. §102 over Evans et al.

Applicant respectfully submits that the instant invention is not anticipated, nor obvious, over *Evans et al.* In paper 20 of the parent application history, the Examiner correctly points out that *Evans* does not recite “reassignment means” for reassigning instructions stored in memory. The Examiner also correctly notes that *Evans* teaches command functions associated with keys; further a sequence of commands may be executed by executing a sequence key, wherein the sequence of commands are programmed to the sequence key. The Examiner asserts that this sequence key “suggests” that *Evans* has a “means to reassign a different function to any key.” Applicant respectfully submits that the Examiner is mistaken on this later point.

Evans teaches use of a “preset key” sequence to execute a lengthy key sequence with fewer keystrokes. *Evans* teaches that the “user has complete discretion in determining the function to be performed by each key.” *Evans*, Col. 7, lines 40-42. However, *Evan’s* “complete discretion” is accomplished via a delete-re-entry process, rather than a reassignment means. *Evans* teaches that

[i]f at any time while entering codes for a device into [the remote] controller, the [Evan’s] user decides that he wishes to use a different key for the particular function than the key he has previously designated for such function, he may operate [the] delete key followed by the key for such function. This will cause the entry in RAM for such function to be deleted.

Evans, Col. 7, lines 50-57. (Emphasis added.) *Evans* then requires that the function "be re-entered in the system in the manner [discussed in *Evans*] and stored in conjunction with the new key." *Evans*, Col. 7, lines 58-60. *Evans* therefore teaches a "re-entry assignment" means. To assign data to a new key, the data must be entered into the remote control (i.e. from outside the remote control memory). Applicant's invention allows data already stored in memory to be reassigned to a new key (or assigned to a key if it was not already). This ability to "reassign" data is accomplished via elements which may be conveniently referred to as "reassignment means."

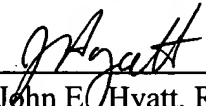
II. CONCLUSION

Applicant respectfully submits that the claims of instant application are patentable over the prior art of record. Further, a determination should not be influenced by an earlier conclusion. See *In re Eli Lilly & Co.*, 902 F.2d 943, 945, 14 USPQ2d 1741, 1743 (Fed. Cir. 1990); *Piasecki*, 745 F.2d at 1472-73, 223 USPQ at 788. Thus, Applicant respectfully requests consideration of the instant application in light of the above arguments.

Please charge any additional fees or credit any overpayments associated with the filing of this correspondence to Deposit Account No. 011,056.

Please call the undersigned attorney, if there are any further questions prior to examination.

Respectfully submitted,

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